

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1657.00  
**COMPLAINT INVESTIGATOR:** Steve Starbuck  
**DATE OF COMPLAINT:** November 15, 2000  
**DATE OF REPORT:** December 22, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** January 25, 2001

**COMPLAINT ISSUES:**

Whether the Rensselaer Center School Corporation and the Cooperative School Services violated:

511 IAC 7-12-1(j) with regard to the school's alleged failure to utilize the case conference committee (CCC) meeting to determine a student's eligibility for special education services during the 1999-2000 school year.

511 IAC 7-11-7 with regard to the school's alleged failure to utilize the learning disability criteria in determining a student's eligibility for special education under this category during the 1999-2000 school year.

511 IAC 7-10-3 and 511 IAC 7-25-5 with regard to the school's alleged failure to take action on a parent's request for an independent educational evaluation at the end of the 1999-2000 school year and at the beginning of the 2000-2001 school year.

511 IAC 7-27-4(a) with regard to the school's alleged failure to convene a CCC meeting at the parent's request at the beginning of the 2000-2001 school year.

511 IAC 7-10-2 and 511 IAC 7-25-3(b) with regard to the school's alleged failure to establish and implement a general education intervention program during the 1998-1999, 1999-2000, and 2000-2001 school years for a student whose classroom performance is adversely affecting educational outcomes.

The complaint report was originally due on December 15, 2000; however, due to the need to obtain additional information from the school, an extension was approved by the state director of special education extending the deadline until December 22, 2000.

**FINDINGS OF FACT:**

1. The student is in the third grade and has been determined ineligible for special education.
2. A psycho-educational evaluation was completed for the student on December 1 and 3, 1999. At the request of the parent, CCC meetings were convened on December 8, 1999, and May 25, 2000, to determine the student's eligibility for special education. Both CCC Reports have a check mark by the statement that indicates the student is ineligible for special education. The parent declined to sign the December 8, 1999, CCC Report that indicated she agreed with the CCC decision. Although school personnel determined the student was ineligible for special education at the May 25, 2000, CCC meeting, it was agreed that further testing would be conducted and a meeting would

be convened in August 2000 to discuss the results. The testing mentioned in the report referred to achievement testing and assessment scales to evaluate the student's attention deficit issues. The parent signed the May 25, 2000, CCC Report giving permission for the student to participate in the additional testing.

3. Prior to the initial CCC meeting convened on December 8, 1999, a Learning Disability Multi-Disciplinary Team Report was completed on December 6, 1999. The evaluation criteria utilized for the Learning Disability Multi-Disciplinary Team Report is based on the criteria listed in Article 7 for the learning disability category. The school psychologist, general education teacher, speech-language pathologist, and a teacher licensed to teach students with learning disabilities all signed the report indicating the student did not qualify for special education under the category of learning disability. The director states another Learning Disability Multi-Disciplinary Team Report was not completed for the May 25, 2000, CCC meeting as school personnel did not have any additional concerns regarding the student's academic performance and there was no additional evaluation data for the team to review.
4. In a letter to the director dated May 25, 2000, the parent requested that hearing, vision, and educational evaluations be conducted by an independent evaluator for the student. In a letter dated June 7, 2000, the director agreed to the parent's request for the testing and the evaluation. The letter included the names of two psychologists in private practice and provisions for the vision and hearing testing. At this time, no request for an evaluation has been made during the 2000-2001 school year.
5. The director acknowledges that the parent requested a CCC meeting early in the school year. The CCC Report dated May 25, 2000, reflects that a CCC meeting will be convened in August 2000 to discuss the results of additional testing (separate from the independent evaluation). According to the director, a CCC meeting has never been convened.
6. SST meetings were convened on June 2, 1998, and November 8, 1999, to discuss the student's need for general education interventions. The only recommendation made at the June 2<sup>nd</sup> meeting was that the student's academic progress would be monitored for the first nine weeks of the following school year. No other recommendations were made as the parents had hired a tutor, which resulted in significant improvement in the student's language arts skills. At the November 8<sup>th</sup> SST meeting, it was recommended the student receive the following interventions:
  - a. Continued help with an instructional aide;
  - b. Spelling test to be given twice per week;
  - c. Repeat directions to check for understanding; and
  - d. Worksheets to be dated when sent home.

The student's second grade teacher states and reports in a written statement that these general education interventions were implemented as written. General education intervention services were initiated for the student in accordance with the building's written procedures for such services.

7. A report submitted by the student's principal indicates the student's teacher for the 2000-2001 school year has made accommodations for the student at the request of the parents. Currently, the student's teacher is allowing the student to sit close to the chalkboard and is not calling on the student to read orally in front of the class. The director states the parents have not requested general education interventions from school personnel, and that school personnel have not seen the need for referring the student for such services due to the student's academic progress. The student's grades for the 2000-2001 school year are:

First grading period

As of November 28, 2000

Language	C+
Math	A-
Reading	B-
Spelling	A-
Social Studies	S

Language	B-
Math	C
Reading	D
Spelling	A-
Social Studies	B-

#### **CONCLUSIONS:**

1. Finding of Fact #2 reflects the school utilized a CCC meeting to determine the student's eligibility for special education services during the 1999-2000 school year. Therefore, no violation of 511 IAC 7-12-1(j) is found.
2. Finding of Fact #3 indicates the school utilized the learning disability criteria in determining the student's eligibility for special education under this category during the 1999-2000 school year. Therefore, no violation of 511 IAC 7-11-7 is found.
3. Finding of Fact #4 reflects the school took appropriate action on the parent's request for independent hearing, vision, and educational evaluations at the end of the 1999-2000 school year. Therefore, no violations of 511 IAC 7-10-3 and 511 IAC 7-25-5 are found.
4. Finding of Fact #5 indicates the school failed to convene a CCC meeting at the parent's request at the beginning of the 2000-2001 school year. Therefore, a violation of 511 IAC 7-27-4(a) is found.
5. Findings of Fact #6 and #7 reflect the school assessed the student's need for general education interventions services as required by 511 IAC 7-10-2 and 511 IAC 7-25-3(b). Therefore, no violations are found.

**The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The Rensselaer Center School Corporation and the Cooperative School Services shall:

1. Send a memorandum to all appropriate school personnel advising them of the requirements specified in 511 IAC 7-27-4(a). Submit a copy of the memorandum to the Division no later than January 26, 2001, with a listing of all personnel (name and title) to whom the memorandum was sent.
2. Convene a CCC meeting no later than January 19, 2001. Submit a copy of the CCC Report to the Division no later than January 26, 2001.

